

## Progress in Protecting Indiana's Ground Water

The Water Pollution Control Board has a big decision to make this summer.

Should Indiana move forward now with additional protections for ground water? Or should Indiana wait until everyone agrees on all the ground water protections that may be ultimately desired?

Our department and others have been criticized for advocating that Indiana act now to put in place a few powerful, obvious steps to further protect ground water. The proposed rules:

- 1) make it illegal for someone to contaminate a well to levels beyond EPA established drinking water standards; and
- 2) establish numeric ground water standards for the state.

These numeric standards would then be used by five state agencies to craft future rules to both meet the ground water standards **and** to minimize or eliminate **any** impact on ground water.

It is our view that these steps, which do not currently exist, provide powerful tools to protect ground water now and far into the future.

And they are timely. The State Department of Health is poised to move forward with new rules strengthening ground water protection for septic systems once the ground water standards are adopted. The Department of Natural Resources has postponed further standards on coal mine ash disposal pending ground water standard rules. Other agencies, including our own, have waited until the basic ground water standards are in place to determine other ground water protections that should be enacted.

Without ground water standards soon, these ground water protection efforts will languish or they will be less protective.

Some critics have characterized these rules as a step backward, alleging that they would “legalize” pollution. Apparently that’s because whenever a limit is established, if you operate under the limit then you are not violating that particular law. If the speed limit is 40 miles per hour and you drive 30, you are driving legally under the speed limit law. Now if you drive 30 miles per hour recklessly or drive 30 miles per hour under the influence of alcohol you are not driving legally. You are breaking a different law.

The same applies to these ground water standards. If safe ground water is “10” and your well is at 5 but someone is “polluting” it so it becomes “8,” it is still safe to drink. However, other laws most likely prohibit that contamination or the new rules provide the authority for one of the state agencies to prevent that contamination in the future.

Indiana has recently taken a giant step to reduce smog through controls on nitrogen oxides from power plants and other sources. These rules were supported by most citizen groups and many others as a major step forward. These new air quality rules do not solve all of our air quality problems completely but they make progress.

It is time to make similar progress on ground water. We at IDEM believe the proposed rule is a major and necessary step forward in protecting Indiana’s ground water. After nearly 12 years of debate, the time has come to move forward to protect Hoosiers and the ground water they depend upon. The Water Pollution Control Board is expected to act on this important issue at the board’s August 8 meeting in Indianapolis.

IDEM wants to work with the Ground Water Task Force, set up by the Legislature, with citizens and with farmers, businesses and municipalities and others on additional ground water protections. Ground water is a precious resource, the source of drinking water for 70 percent of Hoosiers. Our mutual work to protect and conserve that resource is never ending.

Sincerely,

Lori F. Kaplan  
Commissioner